



NICOLE GALLOWAY, CPA
Missouri State Auditor

May 22, 2018

Ms. Lucinda Luetkemeyer
Office of the Governor
201 W. Capitol Avenue, Room 216
Jefferson City, MO 65101

Dear Ms. Luetkemeyer:

On May 14, 2018, I sent you a letter requesting information about attorneys retained by the Governor's Office related to the discipline of the Governor as outlined in the petition for special session of the Missouri General Assembly dated May 3, 2018. I have attached that letter for your reference.

On May 18, 2018, our office received your response to our May 14 request. After reviewing your response, you did not provide the following requested information needed for our investigation under Section 29.221, RSMo:

1. Whether there are any requests for proposals, bids, or contracts relating to hiring of these attorneys, in addition to the Letters of Engagement that you provided;
2. Whether there are any contracts with these attorneys, in addition to the Letters of Engagement that you provided;
3. The amounts the attorneys have been paid and copies of any itemized billings. It is our understanding that at least one such billing or demand for payment has been provided by Ross Garber of the Shipman & Goodwin law firm, according to sworn testimony before the House Special Investigative Committee on Oversight. As you know, attorney billings are open records and not confidential. *Tipton v. Barton*, 747 S.W.2d 325, 330-32 (Mo. App. W.D. 1998); Missouri Legal Ethics Counsel informal advisory opinion no. 980037;
4. Under what specific budget lines each attorney has or will be paid, and the amount each attorney has received; and
5. A specific description of each of these attorney's duties.

Additionally, our office requested that you state whether the attorney-client privilege attaches to Governor Greitens or to the Office of the Governor, and any legal justification for your response. In your response you stated that the attorneys represent "Governor Eric Greitens in his official capacity and the Office of the Governor," seeming to suggest that the office is separate from the official. The inclusion of the word "and" implies two separate and distinct legal entities. We are asking that you explain your distinction and to which entity you believe that the attorney-client privilege attaches.

Further, because the funding for these attorneys is being drawn from the budget of the Office of Governor, do you anticipate your office having to draw funding from other Departments' appropriations to pay for existing Governor's Office expenditures if this funding is no longer available? If so, identify what office, department, or division's budget is being used and the specific budget line.

I am renewing my request for you to provide information to the State Auditor's Office. Please provide your responses to the previous letter immediately, but no later than noon, May 25, 2018.

Sincerely,

A handwritten signature in blue ink that reads "Paul Harper". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul Harper
General Counsel